

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

April 6, 2015
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Marv Calvin. Members present on a roll call were Mayor Calvin, Council Members Ron Christianson, Andrew Plowman, Denis Anderson, Rick Fagerlie, Jim Dokken, Audrey Nelsen, and Steve Ahmann; Present 8, Absent 1. Council Member Tim Johnson was excused from the meeting.

Also present were City Clerk Kevin Halliday, Police Chief Jim Felt, Finance Director Steve Okins, Community Education and Recreation Director Steve Brisendine, Planning and Development Director, Bruce Peterson, Public Works Director Sean Christensen, City Attorney Robert Scott, and Police Sergeant Michael Jahnke.

Council Member Nelsen requested the addition of an item for discussion at the end of the meeting.

Council Member Christianson offered a motion adopting the Consent Agenda as presented which included the following: City Council Minutes of March 16, Rice Hospital Board Minutes of March 18, Municipal Utilities Commission Minutes of March 23, Planning Commission Minutes of March 25, Accounts Payable Report through April 2, Building Inspection Report of March, Police Commission Minutes of February 2, and Willmar Community and Activity Center Council Minutes of March 13, 2015. Council Member Anderson seconded the motion, which carried with Council Member Christianson abstaining.

At 7:02 p.m. Mayor Calvin opened a hearing to consider an ordinance for Adoption of the 2015 Building Code. Planning and Development Services Director Bruce Peterson explained to the Council that changes to the building code from the State of Minnesota come before them approximately every three years. The proposed ordinance contains only the sections of the 2015 Building Code mandated by the State of Minnesota. Main changes pertain to residential sprinkler systems. All newly constructed residential homes over 4,500 cumulative square feet and multi-family homes are now required to have sprinkler systems. There are no fee changes associated with this code and it is the recommendation of staff to adopt the ordinance. There being no one present to speak for or against the ordinance, Mayor Calvin closed the hearing at 7:05 p.m.

Council Member Anderson offered a motion to adopt, assign a number and order final publication of the Ordinance Adopting the 2015 Building Code. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Mayor Calvin acknowledged Julie Asmus, 1404 SW 16th Street, who came before the City Council during its scheduled Open Forum. Ms. Asmus asked the Council to rescind their actions to terminate City Administrator Charlene Stevens. She stated she was part of the delegation that went to Atlanta to represent Willmar as it became an All-American City and how proud she was of the City. She stated that what happened at the Council meeting three weeks with no explanation and no justification is outrageous. Data privacy regarding her performance was said not to be an issue. Information for the reason was requested with no explanation. There was silence with no just cause. She reiterated – rescind your vote.

Carol Laumer, 1313 Ella Avenue NW, addressed the Council during the Open Forum. Ms. Laumer commented on her recent attendance to the National Main Street Conference in Atlanta, Georgia. She spoke about the general theme of that conference being the support from the leadership of the City. She asked the Council to reevaluate what is going on in the City, look at times, treasures and talents in ways to support the

heart of the City. She questioned what is going on that we need police sitting at our door and requested the Mayor and Council share with the public both their short-term and long-term goals for the City of Willmar.

Mayor Calvin welcomed State Representative Dave Baker who was present to provide a brief update to the Council on the 2015 House Legislative Session. He conveyed his learning experience as a newly-elected official of the State. He explained that over the next six weeks officials will be working on a balanced budget and a good, solid transportation plan with a deadline of May 18th. He touched base on Willmar's issues and particularly the BNSF Wye Track and the work with the Bonding Committee and the Industrial Park. He is also working on the environmental issues on the WMU Water Plant. Mayor Calvin thanked Representative Baker for his comments and his accessibility and support to Willmar.

Information Technology Coordinator Ross Smeby came before the Council to explain the need to repeal the resolution adopted by the City Council at their January 12th meeting. The resolution requesting a fourth cable access channel was passed prior to Charter Communications and Windstream receiving proper notification of the action. Pursuant to the Cable Franchise Ordinance, both entities need to be given the opportunity to be heard before the Council before the fourth channel can be added. Charter plans to be present at a later meeting to discuss the need for a fourth channel before the resolution will be reintroduced.

Resolution No. 1 was introduced by Council Member Christianson, seconded by Council Member Anderson, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 1

BE IT RESOLVED by the City Council of the City of Willmar does hereby repeal Resolution No. 11 passed by the City Council on January 12, 2015.

Dated this 6th day of April, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

The Public Works/Safety Committee Report for March 24, 2015 was presented to the Mayor and Council by Council Member Christianson. There were six items for consideration.

Item No. 1 There were no comments from the public.

Item No. 2 Police Chief Jim Felt noted the jail census for March 24, 2015 was 151; 80 inmates from the Department of Corrections, and 71 inmates from Kandiyohi County. The calls for service for the previous two weeks totaled 729. The majority of the calls were for traffic stops, followed by public assists and traffic crashes. It was noted public assist calls include various situations such as debris on the street, individuals walking on the road, as well as bats in a house. The total calls for service so far this year totals 3,733, which is about 80 calls ahead of 2014.

Item No. 3 Paul Jurek, of Bollig Engineering, presented the MinnWest Lift Station/Lakeland Drive improvements project update and requested approval of the Certificate of Substantial Completion. The City Council entered into an agreement with Duininc, Inc. on June 16, 2014 for the construction of the lift station. Successful startup of the lift station occurred on February 12, 2015 and a walk through was completed at that time, with a punch list created of minimal items needing attention by the Contractor. Mr. Jurek noted the building is approximately a 20x20 size and is heated, with the previous building demolition is scheduled for this spring. The lift station can also be controlled remotely at the Wastewater Treatment Facility via a computer. Overall the project is slightly under budget, including two Change Orders and a five percent contingency.

The Committee recommended the Council approve the Substantial Completion of the MinnWest Lift Station/Lakeland Drive Interceptor Project. Council Member Christianson made a motion to follow the recommendation of the Committee with Council Member Anderson seconding the motion, which carried.

Item No. 4 Staff presented, for approval, the purchase and replacement of a riding floor scrubber at the Civic Center from Hillyard in the amount of \$15,872.00. Two quotes were solicited for an Avenger Floor Scrubber; one noted from Hillyard, and one from Nilfisk-Advance, Inc. in the amount of \$17,779.00. The current floor scrubber unit is 11 years old and in poor condition. The 2015 CIP includes \$13,500 for the purchase and Hillyard is giving a \$1,750 trade allowance for the current unit, with the remaining \$622 being paid from the Civic Center operating budget. The Committee was recommending the Council approve the purchase of an Avenger Floor Scrubber for the Civic Center from Hillyard in the amount of \$15,872.00.

Resolution No. 2 was introduced by Council Member Christianson, seconded by Council Member Dokken, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 2

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the purchase of an Avenger Floor Scrubber is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$15,872.00.

Dated this 6th day of April, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 5 Staff brought forth, for approval, the acceptance of Project No. 1407 and to authorize final payment to Zenergy, LLC in the amount of \$3,174.45. The project was awarded on June 16, 2014 to Zenergy, LLC for the street lighting of Willmar Avenue SW from 22nd Street to 30th Street. The funding associated with the project is from Local Option Sales Tax and is within the project budget. The Committee was recommending to the Council the acceptance of Project No. 1407 and authorization of final payment to Zenergy, LLC in the amount of \$3,174.45.

Resolution No. 3 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 3

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT: Project No. 1407 – Street Lighting of Willmar Avenue SW

CONTRACTOR:	Zenergy, LLC
DATE OF CONTRACT:	June 16, 2014
BEGIN WORK:	August 25, 2014
COMPLETE WORK:	March 2, 2015
APPROVE, ENGINEERING DEPT:	March 3, 2015

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that:

1. The said City of Willmar Project No. 1407 be herewith approved and accepted by the City of Willmar.

2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$63,489.00
Change Order None	\$0.00
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$63,489.00
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$63,489.00
Less Previous Payments & Liquidated Damages	\$60,314.55
FINAL PAYMENT DUE CONTRACTOR:	\$3,174.45

Dated this 6th day of April, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Item No. 6 Staff brought forth, for approval, the purchase/replacement of a one ton Ford F-350 truck with dump body. The total cost of the truck totals \$40,668.76; \$26,665.76 from Nelsen Auto Center through Southwest West Central Service Cooperative for the F-350 truck chassis, and \$14,003.00 from Tow Master, Inc. to replace the dump body through State Contract #84884. The current 2003 Ford F-350 has reached its useful life with the engine using oil and the interior in poor condition and will be sold at the City Auction. The 2015 CIP includes \$47,000 for the replacement of the equipment, and tax and license will be added at a later date for the truck chassis portion. It was the recommendation of the Committee to approve the purchase/replacement of the Ford F-350 truck with dump body in the amount of \$40,668.76.

Resolution No. 4 was introduced by Council Member Christianson, seconded by Council Member Nelsen reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 4

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the purchase of an F350 truck chassis through the Southwest West Central Service Cooperative and dump body through State Contract #84884 is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidders for the terms and consideration of the contract in the amount of \$40,668.76.

Dated this 6th day of April, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

The Public Works/Safety Committee Report for March 24, 2015, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Christianson, seconded by Council Member Fagerlie, and carried.

The Community Development Committee Report for March 26, 2015 was presented to the Mayor and Council by Council Member Fagerlie. There were seven items for consideration.

Item No. 1 There were no comments from the public.

Item No. 2 Kevin Halliday, City Clerk, told the Committee that Kandiyohi County had given the City notice that Habitat for Humanity had requested tax abatement for the tax year 2014, payable 2015. The City portion of the abatement is calculated at \$7,257. By statute, the County has to hold a hearing and notification of the City was required. If the City does not challenge the abatement and the County grants the full abatement, the City portion of the abatement will be approved. Contrary to media reports, City staff had numerous contacts with Habitat for Humanity to assist them through the tax exemption process. Habitat staff did not follow through in a timely manner, thereby creating the tax issue. It was noted that the cost to the City would be \$7,257, but that it is a very small part of the City's \$15 million general fund budget. The Committee discussed the request and took no action to contest the proposed abatement. The matter was received for information only.

Item No. 3 Staff updated the Committee on the status of the Willmar Wye project. The application is nearing completion and will be submitted by mid-April. Lobbying efforts are under way with the Minnesota Congressional delegation, as well as representatives from US DOT and the Federal Railway Administration. The Governor has indicated that he wanted to include it in a bonding request for the 2015 legislative session. Staff said that the City is submitting a request that the spur track portion of the project be included in the 2016 bonding bill. Contact has been made with both Senator Koenen and Representative Baker on this matter. Due to bonding projects requiring a match, staff suggested that the Council consider selling the 80 acres west of County Road 55 and the 60 acres south of Highway 40 as soon as the final airport land release is received. The Council received this item for information only.

Item No. 4 The Committee reviewed a purchase agreement provided to the City for the purchase of the former airport terminal building. Along with an offer of \$140,000 for the property, the purchaser was requesting that the City conduct significant amounts of environmental review, including a Phase II Environmental Study. The Committee felt that it was more appropriate for the buyer to do the environmental due diligence. The Committee also discussed options for pricing the property either with the building demolished or with the building in place. Staff was directed to further negotiate with the property owners and to submit a counter offer. It is understood that any final action on the sale of the property is at the discretion of the City Council. This item was received for information.

Item No. 5 Staff presented a proposal by an unnamed business to develop an industrial facility on property the City owns adjacent to the Waste Water Treatment Facility west of Willmar. The site is attractive to this business for several reasons. There is some odor generated by their process, and although they want access to municipal sewer, their process is better served by a well rather than municipal water. The Committee inquired about the type of use, whether or not the odor generated would be offensive or would exceed that generated by the Waste Treatment Plant. Also if there would be any impact on adjacent properties and what the impact might be on the operations and employees of the WWTF. Staff responded that the use would be a good fit and, because of its agricultural nature, would be consistent with other uses in the area.

The Committee recommended the Council authorize staff to negotiate the possible sale of excess Waste Water Treatment Facility property with the business and to bring a firm proposal or offer back to Committee. Council Member Fagerlie offered a motion to follow the recommendation of the Committee with Council Member Anderson seconding the motion, which carried.

Item No. 6 Staff informed the Committee that the application for a business development infrastructure grant at the MinnWest Campus had been approved. A road will be widened on the campus and approximately 200 parking spaces will be created to better serve development on the campus. All matching funds are being provided by MinnWest and the City will not have any financial liability for the project. The item was received for information only.

Item No. 7 Staff presented updates on a variety of industrial, office, commercial, residential, and institutional projects to the Committee. This was for information only.

The Community Development Committee Report for March 26, 2015, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Fagerlie, seconded by Council Member Dokken, and carried.

Public Works Director Sean Christensen came before the Council to present a request to enter into an Engineering Services Agreement with Donohue and Associates to complete a facilities plan for four lift station replacements to qualify for FY 2016 PFA Funding. The lift stations being address include Westwood Court, Gorton Avenue, the Fairgrounds and the Armory. These lift stations are included in the Five-Year Capital Improvement Plan. The proposal from Donohue and Associates would cover all four lift stations with one facility plan and one environmental review process for a not-to-exceed amount of \$19,640. Staff recommended the Council enter into the engineering services agreement as presented.

Resolution No. 5 was introduced by Council Member Christianson, seconded by Council Member Nelsen reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 5

Whereas the City of Willmar desires to enter into an engineering services agreement with Donohue and Associates to complete a Facility Plan for four lift station replacements in the amount not to exceed \$19,640.00; and

Whereas an agreement has been prepared detailing the terms of the services;

Now therefore be it resolved by the City Council of the City of Willmar that said agreement be approved and that the Mayor and City Administrator be authorized to execute the same.

Dated this 6th day of April, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

City Clerk Kevin Halliday presented for consideration the On-Sale, Off-Sale, and 3.2% Intoxicating Malt Liquor License Renewals. The term of the licenses is from April 25, 2015 to April 25, 2016. The Council reviewed the list of establishments for each license type. It was staff's recommendation to approve and submit to the State of Minnesota. A motion was offered by Council Member Anderson to approve the renewals. Council Member Dokken seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

City Clerk Kevin Halliday brought forth Change Order No. 4 to the contract with Corner Stone Construction Services for the City Auditorium Renovation Project. He explained the addition of an item to remove and replace one two-way valve on an air handling unit with a three-way valve for \$1,550. Also included is blocking off each floor level to prevent smoke and fire from transferring from one floor to the next by closing the chases with drywall and fire tape for an amount of \$2,630. Staff recommended approval of the change order for a total amount of \$4,180 to be paid from the remaining balance of the contingency fund.

Resolution No. 6 was introduced by Council Member Christianson, seconded by Council Member Dokken reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 7, Noes 0.

Resolution No. 6

BE IT RESOLVED by the City Council of the City of Willmar that the agreement with Corner Stone Construction, Inc., of Willmar, Minnesota, for the Willmar Auditorium Renovation Project, be amended with Change Order No. 4 as follows:

- Remove and replace one two-way valve for AHU 1 with one three-way valve per request of the engineer. \$1,550.00
- Block off each floor level with mineral wool, drywall, and fire caulk preventing smoke and fire from transferring from one floor to the next. Close the chases with drywall and fire tape. \$2,630.00

BE IT FURTHER RESOLVED that the Mayor and City Administrator be authorized to execute the necessary documents on behalf of the City for this Change Order No. 4.

Dated this 6th day of April, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Community Education and Recreation Director Steve Brisendine presented information related to the condition of the gym floor in the City Auditorium. During the installation of the large air handling system, the excess moisture from the units appears to have caused a gym floor ripple which requires board replacement work. The City has received a quote from Johnson Floor Sanding Company in the amount of \$1,750 to repair the 88 square feet of damaged wood. This will make the floor functional, but the old, yellowed urethane sealer would leave a noticeable floor board color difference. Staff noted that every decade the gym floor is sanded and sealed with new urethane and requested authorization to complete that task at this time in the amount quoted of \$14,400, which includes the damaged board repair.

Resolution No. 7 was introduced by Council Member Anderson limiting the repair to the damaged floor boards for a total of \$1,750.00. Council Member Dokken seconded to open it up for discussion. Council Member Ahmann questioned how the moisture damage occurred and the liability was discussed by the Council.

Council Member Christianson amended the Resolution to include repair of the floor boards and also the resurfacing of the gym floor for a total of \$14,400. Council Member Dokken seconded the amendment, which carried. Resolution No. 7 as amended was reviewed by Mayor Calvin, and approved on a roll call vote of Ayes 6, Noes 1, with Council Member Anderson voting "no."

Resolution No. 7

Whereas the City of Willmar desires to enter into a construction services agreement with Johnson Floor Sanding for the sanding and finishing of the gym floor at the Auditorium facility with funding for the improvements from the Auditorium Contingency Account; and

Whereas an agreement has been prepared detailing the terms of the services;

Now therefore be it resolved by the City Council of the City of Willmar that said agreement be approved and that the Mayor and City Administrator be authorized to execute the same.

Dated this 6th day of April, 2015.

/s/ Marv Calvin
Mayor

/s/ Kevin Halliday
Attest: City Clerk

Mayor Calvin summarized the Town Hall meeting held a couple weeks ago whereby over 300 people attended the meeting hosted by Big River Consulting. He inquired how the Council would like to receive the

report. Council Member Christianson felt it would be beneficial to have it presented at a future retreat or see how it fits into the City's Comprehensive Plan. Council Member Anderson strongly recommended the results be presented before the Council and can be brought to a retreat at a later date. Council Member Nelsen felt there should be a Council Work Session so the entire Council can hear it. Mayor Calvin encouraged the Council to review it before the next meeting. Council Member Christianson asked to receive the report via email.

Council Member Christianson offered a motion to have the Town Hall Meeting Report emailed to the full Council and then it can be discussed at a future retreat. Council Member Dokken seconded the motion. Council Member Nelsen amended the motion to state the report should be reviewed at the next Council meeting. Council Member Anderson seconded the motion, which carried.

Mayor Calvin commented on his involvement in the matter of what occurred on the City Administrator's position. The public needs to understand conversations took place that caused that meeting to happen. He chose to have a conversation with the City Administrator so that action that night would not come up. He did it in the best interests of the City and we need to be an open, transparent Council.

Council Member Christianson stated that not one person on the Council has any bad intentions for the City. The Council makes tough decisions and has gone through three weeks of hell, hate emails, editorials in the paper, and there is a movement to kick me off of the council. He has only good intentions for the City of Willmar. Once we vote 6-2/5-3 we stick to an action. Personality conflicts are going on, it's quite evident, but we have to do what's best for the City. He stated he was handed the separation agreement 15 minutes prior to the Council meeting, as did the rest of the Council. The City Attorney advised the agreement was not made public, and Council members should be careful what they say. The Council did not write that agreement. We have tough decisions to make and we make them and stand by them. The citizens should be proud of the eight people on the Council and the Mayor.

Council Member Nelsen asked for clarification from the City Attorney about what can be talked about and has met with the Mayor asking how we got here. Mayor Calvin has informed her he is prepared to share the emails from various Council Members that led to the decision and how the Council got to the separation agreement. It is time for the community to know who, what, where, and why. She asked for public clarification on which Council Members put a stop to the retreat and why.

In response to her request, Mayor Calvin stated the emails that he has that can be made public he has no problem making them public as long as the City Attorney advises he has that authority. City Attorney Robert Scott commented that any correspondence he has had with the Mayor or Council are all protected by the Attorney Client Privilege.

Council Member Christianson questioned why bring this up again and again. The information is private as dictated by the data privacy/attorney client privilege. Council Member Nelsen stated the public needs to know what happened for the Mayor to seek a separation agreement. She is asking for the emails the Mayor received from other Council Members, not the City Attorney. Council Member Plowman questioned if the Council is ready and willing to accept any liability that comes along with the emails. Council Member Christianson stated we are going nowhere here. Five of the Council Members here hired a woman, so the sexist thing is out the window. We were all at an evaluation one year ago. We need to move forward. Mayor Calvin stated he will need to talk to the City Attorney to determine what he can release.

Announcements for Council Committee meeting dates were as follows: Finance, 4:45 p.m. at City Hall, April 13; Public Works/Safety, 4:45 p.m. at City Hall, April 14; full Council/Labor Relations, 4:45 p.m. at City Hall, April 8, and Community Development, 4:45 p.m. at City Hall, April 16, 2015.

Council Member Anderson questioned the ability to accommodate a crowd in Conference Room No. 1 at City Hall for the full Council/Labor Relations Committee meeting. Council Member Nelsen requested to make arrangements to move the meeting.

Council Member Christianson offered a motion to adjourn the meeting with Council Member Fagerlie seconding the motion, with carried with six in favor and two opposed. The meeting adjourned at 8:57 p.m.

Attest:

MAYOR

SECRETARY TO THE COUNCIL